United Nations S/PV.6243

# Security Council

Sixty-fourth year

*Provisional*

**6243**rd meeting

Wednesday, 16 December 2009, 10.30 a.m.

New York

| | | |
|---|---|---|
| *President:* | Mr. Kafando | (Burkina Faso) |
| *Members:* | Austria | Mr. Mayr-Harting |
| | China | Mr. Liu Zhenmin |
| | Costa Rica | Mr. Urbina |
| | Croatia | Mr. Vilović |
| | France | Mr. De Rivière |
| | Japan | Mr. Takasu |
| | Libyan Arab Jamahiriya | Mr. Dabbashi |
| | Mexico | Mr. Heller |
| | Russian Federation | Mr. Dolgov |
| | Turkey | Mr. Apakan |
| | Uganda | Mr. Rugunda |
| | United Kingdom of Great Britain and Northern Ireland | Sir Mark Lyall Grant |
| | United States of America | Ms. DiCarlo |
| | Viet Nam | Mr. Hoang Chi Trung |

## Agenda

International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January 1994 and 31 December 1994

Letter dated 2 November 2009 from the Secretary-General addressed to the President of the Security Council (S/2009/571)

Letter dated 23 November 2009 from the Secretary-General addressed to the President of the Security Council (S/2009/601)

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room U-506.

09-65278 (E)

Please recycle

*The meeting was called to order at 10.30 a.m.*

**Adoption of the agenda**

*The agenda was adopted.*

**International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January 1994 and 31 December 1994**

**Letter dated 2 November 2009 from the Secretary-General addressed to the President of the Security Council (S/2009/571)**

**Letter dated 23 November 2009 from the Secretary-General addressed to the President of the Security Council (S/2009/601)**

**The President** (*spoke in French*): The Security Council will now begin its consideration of the item on its agenda.

The Security Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the Council have before them document S/2009/645, which contains the text of a draft resolution submitted by Austria.

I wish to draw the attention of Council members to documents S/2009/571 and S/2009/601 containing the texts of two letters from the Secretary-General addressed to the President of the Security Council, dated 2 and 23 November 2009, respectively.

It is my understanding that the Council is ready to proceed to the vote on the draft resolution before it. Unless I hear any objection, I shall put the draft resolution to the vote now.

There being no objection, it is so decided.

*A vote was taken by show of hands.*

*In favour:*

Austria, Burkina Faso, China, Costa Rica, Croatia, France, Japan, Libyan Arab Jamahiriya, Mexico, Russian Federation, Turkey, Uganda, United Kingdom of Great Britain and Northern Ireland, United States of America, Viet Nam

**The President** (*spoke in French*): There were 15 votes in favour. The draft resolution has been adopted unanimously as resolution 1901 (2009).

The Security Council has thus concluded the present stage of its consideration of the item on its agenda. The Council will remain seized of the matter.

*The meeting rose at 10.35 a.m.*

United Nations S/PV.6244

# Security Council

Sixty-fourth year

*Provisional*

**6244**th meeting

Wednesday, 16 December 2009, 10.35 a.m.

New York

| | | |
|---|---|---|
| *President*: | Mr. Kafando | (Burkina Faso) |
| *Members*: | Austria | Mr. Lutterotti |
| | China | Mr. Liu Zhenmin |
| | Costa Rica | Mr. Urbina |
| | Croatia | Mr. Vilović |
| | France | Mr. De Rivière |
| | Japan | Mr. Takasu |
| | Libyan Arab Jamahiriya | Mr. Dabbashi |
| | Mexico | Mr. Heller |
| | Russian Federation | Mr. Dolgov |
| | Turkey | Mr. Apakan |
| | Uganda | Mr. Rugunda |
| | United Kingdom of Great Britain and Northern Ireland | Sir Mark Lyall Grant |
| | United States of America | Ms. DiCarlo |
| | Viet Nam | Mr. Hoang Chi Trung |

## Agenda

The situation concerning the Democratic Republic of the Congo

Thirtieth report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of the Congo (S/2009/623)

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room U-506.

09-65284 (E)

Please recycle

*The meeting was called to order at 10.35 a.m.*

**Adoption of the agenda**

*The agenda was adopted.*

**The situation concerning the Democratic Republic of the Congo**

**Thirtieth report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of the Congo (S/2009/623)**

**The President** (*spoke in French*): In accordance with the understanding reached in the Council's prior consultations, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Mr. Alan Doss, Special Representative of the Secretary-General and head of the United Nations Organization Mission in the Democratic Republic of the Congo.

It is so decided.

I invite Mr. Doss to take a seat at the Council table.

The Security Council will now begin its consideration of the item on its agenda. The Security Council is meeting in accordance with the understanding reached in its prior consultations.

I should like to draw the attention of Council members to document S/2009/623, which contains the thirtieth report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of the Congo.

At this meeting, the Security Council will hear a briefing by Mr. Alan Doss, to whom I now give the floor.

**Mr. Doss** (*spoke in French*): It is an honour for me to provide once again an overview of the situation in the Democratic Republic of the Congo and of the status of implementation of the mandate that the Council gave to the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) in December 2008. As the Council is currently discussing the future of the Mission, I shall concentrate on the remaining challenges in the peace process and on our proposals for addressing those challenges in the near future.

(*spoke in English*)

Members have received the Secretary General's report (S/2009/623), and I have little to add in the way of fresh information, except on the situation in Equateur province. Government forces have retaken the town of Dongo, where the incidents began three weeks ago. MONUC has dispatched a military and civilian team to the area to help prepare the way for the return of the population and to facilitate the arrival of humanitarian assistance.

In the east, we have focused our efforts on containing and reducing the threat posed by the main foreign armed groups in the Democratic Republic of the Congo, namely the Forces démocratiques de libération du Rwanda (FDLR) and the Lord's Resistance Army (LRA). October and November have seen significant numbers of surrenders and candidates for voluntary repatriation from both groups. Since the beginning of the year and until mid-December, more than 1,400 FDLR combatants have surrendered, roughly three times the average of previous of years.

There are also a growing numbers of LRA combatants surrendering; the most important was the surrender of Charles Arop, who commanded operations at the time of the Christmas massacre at Faradje last year.

Kimia II — the operation against the FDLR — will be completed on 31 December. The operation has focused on disrupting and dispersing FDLR forces in order to end their control of population centres and to weaken their capacity to exploit the country's natural wealth. That objective has been largely achieved, although we do recognize that there have been very serious and tragic humanitarian consequences.

I wish to emphasize, however, that these operations were not expected to completely dismantle the FDLR, which has been entrenched in the Kivus for more than a decade. The FDLR remains a potent threat and they will seek to return to their former strongholds and punish the population for collaboration with governmental forces if they are allowed to do so. I am pleased to report therefore that a new directive was approved this morning by the Chief of Staff of the Forces armées de la République démocratique du Congo (FARDC) and the United Nations Force Commander. Under this directive, the FARDC and MONUC will now concentrate on holding ground recovered from the FDLR and preventing attacks on civilians in areas of vulnerability, while undertaking

focused interventions against any centres of command and control where the FDLR may have regrouped. Protection of civilians will be at the core of these operations.

As we have said before to the Council, the menace of the FDLR can be ended only by a combination of measures: military pressures allied to incentives for surrender; proper State control of the trade in mineral and other resources; and judicial proceedings against the expatriate elements that continue to fund, encourage and assist criminal activities in the eastern Democratic Republic of the Congo. This is an agenda for action that obviously goes beyond MONUC's mandate and means and requires regional and international support

The latest report of the Group of Experts on the Democratic Republic of the Congo (see S/2009/603) provides ample evidence of the critical role that expatriate leaders play in funding, organizing and directing the activities of the FDLR in eastern Democratic Republic of the Congo. The report also underscores the importance of cracking down on illegal trading networks that have funded the FDLR and other armed groups in the Democratic Republic of the Congo. The Governments of the region and beyond should work together and identify ways and means to control and regulate the trade in minerals and other natural resources to ensure that companies importing minerals from the Democratic Republic of the Congo exercise due diligence.

At the same time the Congolese Government must ensure the progressive demilitarization of the mining areas and prevent its own armed forces from exploiting these resources. The Group of Experts has pointed to collusion by some FARDC elements with the FDLR, which we deplore. But we should also recognize that the FARDC has dislodged the FDLR from its former strongholds and has not wavered in its determination to deal with the FDLR — which until a year ago was certainly not the case. However, the Government needs to move expeditiously to establish State authority in these areas while also prosecuting those who commit human rights violations.

We welcome the arrest of two individuals indicted by the International Criminal Tribunal for Rwanda among the FDLR leaders in the eastern Democratic Republic of the Congo and Uganda, which was followed in November by the arrest in Germany of the Chairman of the FDLR and his deputy. This is the first time that FDLR leaders have been indicted for crimes committed by the group in the Democratic Republic of the Congo — crimes that continue unabated to this day. I urge other countries to follow Germany's lead by initiating legal proceedings against other members of the FDLR political leadership that are involved in supporting the crimes that are committed in the eastern Democratic Republic of the Congo.

The Council has stipulated that MONUC support for the FARDC is contingent upon respect for human rights, international humanitarian law and refugee law. In line with the guidance received from United Nations Headquarters, we have adopted a policy conditioning MONUC's support for any operations, a policy which is already being applied. That policy has been shared with the Government and underpins President Kabila's own zero-tolerance initiative, which is a vital ingredient in the fight against impunity and the protection of civilians.

Unfortunately, with the recent round of integration and demobilization of Congolese armed groups, the problem of discipline in the FARDC has worsened. That is not a new problem, as previous waves of integration have brought many undisciplined and untrained elements into the army. That was the price of peace. It is essential, therefore, that security sector reform address this recurring problem through a structured process of vetting and training and by ensuring that the security forces are paid regularly and on time. MONUC is currently drawing up a vetting procedure, which we are sharing with our partners who are also engaged in military cooperation with the Democratic Republic of the Congo.

Since my last briefing to the Council (see S/PV.6203), events on the ground in the Democratic Republic of the Congo have underlined the many challenges that we face in efforts to implement the provisions of the mandate that it has entrusted to us.

The first challenge, of course, is protection. Human rights violations continue on a wide scale in the east, particularly in the Kivus. There have also been several cases of attacks on human rights defenders in other parts of the country. The humanitarian situation in the Kivus remains precarious, and overall displacement remains high despite recent returns by internally displaced persons (IDPs) from camps around

Goma. Sexual violence continues unchecked. Armed groups, together with uncontrolled elements of the FARDC itself, are responsible for most of those violations.

MONUC has finalized and is implementing, together with other United Nations agencies and non-governmental organizations, a multifaceted protection strategy. Every day, in many areas of the eastern Democratic Republic of the Congo, MONUC is helping to protect tens of thousands of civilians under the threat of imminent danger. We have continued to deploy joint protection teams; we are mapping conflict and identifying "must protect" areas in cooperation with local military and civilian authorities; and additional mobile and temporary operating bases have been established in South Kivu, Ituri and both Uélé districts for the immediate protection of vulnerable populations.

In Bas Uélé, where our presence is still limited, the deployment of an additional battalion will enable the Force to accompany humanitarian agencies on short-term missions to previously inaccessible locations where critical humanitarian conditions are reported. Fifty-eight of those forward bases are now operational. I have visited a number of them in some very remote parts of the Kivus, and I can assure the Council personally that local people greatly appreciate our presence and the protection that MONUC provides to them.

The Council is aware, however, of the dilemma faced by MONUC, which is inherent in the mandate that enjoins us to give the highest priority to the protection of civilians, while at the same time working with the FARDC, which includes elements that have been responsible for human rights violations, to disarm groups, such as the FDLR, that have been a constant threat to the people of eastern Congo for over a decade. There is no easy answer to that dilemma and we are looking to the Council for clear guidance in that respect.

The second challenge is integration, which is tenuous and is creating renewed tensions and uncertainties in the Kivus. There are two main reasons for that: residual armed groups which are reluctant to integrate or demobilize, and the ex-Congrès national pour la défense du people (CNDP), which has not yet dismantled its parallel military and administrative structures in some areas that were previously controlled by the group. Lack of progress on outstanding issues related to the 23 March agreements is often used as a pretext for reluctance to complete integration and support the extension of State authority. The Government needs to reach out to recalcitrant groups and to address their grievances, but all stakeholders have to understand that maintaining parallel structures or militias is incompatible with the peace process, and that the Government has the right to use appropriate means to impose its authority on those who continue to challenge it, albeit within the framework of international human rights and humanitarian law.

At the same time, the Government should make every effort to overcome the shortcomings that have hampered military and police integration. The Commission on the Allocation of Military Ranks should strive for a rapid conclusion to its proceedings in order to clarify the status and function of all newly integrated officers. Now that the census of the army has been completed by the European Union Mission of Assistance for Security Sector Reform, salaries should be paid on time and mechanisms should be established to make sure that payments reach the rank and file. The garrisoning of troops who are not essential for ongoing operations and protection purposes should start immediately, and the FARDC should identify the battalions designated for training so that the FARDC and MONUC can proceed with vetting and with the separation of those who do not meet the standards of professional security forces in order to build a reasonably sized force that can progressively take over security responsibilities from MONUC, as the Secretary-General has recommended in his report. Newly deployed and integrated police should be regularly paid as well and properly equipped. Furthermore, funding for the continued reintegration of former combatants into civilian life will have to be secured.

Eventually, all these efforts will have to be channelled into a comprehensive security sector reform process at the national level. The police component of that process is largely on track, with a three-year action plan and a longer-term strategic perspective. However, army reform is still in an embryonic stage, and justice sector reform requires renewed momentum. The Government's army reform plan is under examination in parliament. Once approved, the long-promised discussion with those international partners willing to

assist in its implementation should be convened without further delay.

The third challenge involves IDPs and refugees, who have started returning. In some return areas, security conditions are still very volatile and have been exacerbated by conflicting land claims and the competition for mineral resources. These problems have been aggravated by undocumented border crossings and by allegations that ex-CNDP elements have created protected areas for returnees. We need to be very clear on this: yes, returning IDPs and refugees have the right to protection, but it is the role of the State, and not of armed groups, to provide such protection. A privatization of protection tasks would only lead to the re-emergence of ethnic militias, with the potential to unravel the integration process and spark renewed ethnic violence.

The Governments of the Democratic Republic of the Congo and its three eastern neighbours, Uganda, Rwanda and Burundi, are negotiating tripartite agreements under the auspices of the United Nations High Commissioner for Refugees, and the Office of the United Nations High Commissioner for Refugees, with the support of the United Nations country team, is preparing support programmes for reintegration that will benefit not only the returnees, but also the communities that they are joining.

While those negotiations are ongoing, ways of managing the flow of returns should be sought and a comprehensive mechanism put in place to address related land conflicts. We have urged the Government to establish the permanent conciliation committees foreseen in the 23 March agreements for that purpose.

The efforts to stabilize the eastern Democratic Republic of the Congo can be sustained only if they are supported by nationwide efforts to consolidate democracy and to improve governance, in particular financial management, as well as to promote socio-economic recovery, and to encourage business investment and employment, a point recently emphasized by President Kabila in his state of the nation address. It is a truism that there can be no development without peace and security and that peace and security cannot be maintained in an environment of continued social and economic hardship. An integrated peacekeeping mission like MONUC can assist in creating a favourable environment in terms of peace and security and, together with the United Nations country team and other partners, help the Government to lay the foundations for longer-term recovery and development. The Integrated Strategic Framework, which is currently under preparation, is a pointer in that direction.

As the Council requested in resolution 1856 (2008), we have now concentrated almost all our military forces in the east. More than 95 per cent are now in that part of the country.

A significant number of United Nations police and civilian personnel have also been reassigned to the eastern provinces. The progressive transition to the East is therefore practically complete, although we are continuing to close some facilities in the western provinces. In recent years, United Nations agencies have also focused on the eastern Democratic Republic of the Congo and have very few resources, including staff, allocated to the western part of the country. That means that they do not have the capacity to take over MONUC responsibilities without considerable additional support from the donor community.

Before I conclude, let me say a few words on MONUC's future. MONUC's current mandate is elaborate, complex and covers a wide range of tasks. It has allowed us a valuable degree of flexibility in a rapidly evolving political and military environment. But sometimes it has raised expectations beyond the Mission's resources or capabilities. I would hope, therefore, that future mandates will simplify the range of tasks that the Mission is expected to undertake.

During the first half of 2010, we expect to have more clarity on the evolving situation in the eastern Democratic Republic of the Congo, the impact of measures to enhance the protection of civilians, the integration process and a timetable for elections. The Department of Peacekeeping Operations should then be in a better position to propose a realistic plan for MONUC and its reconfiguration.

I would add, if I may, a mention of something that happened 10 days ago in Dongo, which the members of the Council may or may not be aware of. But I think it points to the work that MONUC does. Ten days ago, a helicopter with civilian staff, as well as some elements of the force, arrived in Dongo to resupply our military observers there, who were trying to see what was happening in the outbreak of violence. On arriving, the helicopter was attacked by some of the insurgents. Members of the crew were wounded. They

managed, nevertheless, to evacuate wounded soldiers who were guarding the helipad. The rotors were hit, the fuel tank was hit, and the crew still managed to take off and fly everybody to safety 130 kilometres away in the Republic of the Congo, across the river. Their heroism saved 25 lives.

I think that is a good illustration of what the Mission does, day in and day out, that does not always get the attention of the public and the media. I would like to put on record our appreciation of the heroism of that Russian helicopter crew, who, as I said, saved the helicopter and its passengers from what almost certainly would have been a much worse situation — probably leading to the deaths of several of them.

(*spoke in French*)

On 30 June 2010, the Democratic Republic of the Congo will celebrate the fiftieth anniversary of its independence. Shortly after the birth of the new State in 1960, the United Nations intervened to prevent the break-up of the country. Many Congolese remember that United Nations intervention with gratitude. In the course of the past 10 years, MONUC has supported the Democratic Republic of the Congo in its slow emergence from the greatest crisis experienced by the country since Katanga's attempted cessation. In that time, MONUC has provided multifaceted support for the establishment of the current institutions and for the pursuit of the democratic process. It is important that we continue to pursue and strengthen that process.

**The President** (*spoke in French*): I thank Mr. Doss for his briefing.

There are no others speakers inscribed on my list. In accordance with the understanding reached in the Council's prior consultations, I now invite Council members to informal consultations to continue our discussion on the subject.

*The meeting rose at 10.55 a.m.*

United Nations S PV.6245

# Security Council

Sixty-fourth year

*Provisional*

**6245**th meeting

Thursday, 17 December 2009, 10 a.m.

New York

| | | |
|---|---|---|
| *President:* | Mr. Kafando | (Burkina Faso) |
| *Members:* | Austria | Mr. Mayr-Harting |
| | China | Mr. Liu Zhenmin |
| | Costa Rica | Mr. Urbina |
| | Croatia | Mr. Vilović |
| | France | Mr. Bonne |
| | Japan | Mr. Takasu |
| | Libyan Arab Jamahiriya | Mr. Shalgham |
| | Mexico | Mr. Heller |
| | Russian Federation | Mr. Churkin |
| | Turkey | Mr. Apakan |
| | Uganda | Mr. Rugunda |
| | United Kingdom of Great Britain and Northern Ireland | Sir Mark Lyall Grant |
| | United States of America | Ms. Rice |
| | Viet Nam | Mr. Bui The Giang |

## Agenda

The situation in Burundi

Sixth report of the Secretary-General on the United Nations Integrated Office in Burundi (S/2009/611)

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room U-506.

09-65504 (E)

Please recycle

*The meeting was called to order at 10.15 a.m.*

**Adoption of the agenda**

*The agenda was adopted.*

**The situation in Burundi**

**Sixth report of the Secretary-General on the United Nations Integrated Office in Burundi (S/2009/611)**

**The President** (*spoke in French*): I should like to inform the Council that I have received a letter from the representative of Burundi in which he requests to be invited to participate in the consideration of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite that representative to participate in the consideration of the item without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

*At the invitation of the President, Mr. Gahutu (Burundi) took a seat at the Council table.*

**The President** (*spoke in French*): The Security Council will now begin its consideration of the item on its agenda. The Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the Council have before them document S/2009/652, which contains the text of a draft resolution submitted by France.

I wish to draw the attention of members of the Council to document S/2009/611, which contains the sixth report of the Secretary-General on the United Nations Integrated Office in Burundi.

It is my understanding that the Council is ready to proceed to the vote on the draft resolution before it. Unless I hear any objection, I shall put the draft resolution to the vote now.

There being no objection, it is so decided.

*A vote was taken by show of hands.*

*In favour*:

Austria, Burkina Faso, China, Costa Rica, Croatia, France, Japan, Libyan Arab Jamahiriya, Mexico, Russian Federation, Turkey, Uganda, United Kingdom of Great Britain and Northern Ireland, United States of America, Viet Nam

**The President** (*spoke in French*): There were 15 votes in favour. The draft resolution has been adopted unanimously as resolution 1902 (2009).

The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

*The meeting rose at 10.20 a.m.*

United Nations S/PV.6246

# Security Council

Sixty-fourth year

*Provisional*

## 6246th meeting

Thursday, 17 December 2009, 10.20 a.m.
New York

| | | |
|---|---|---|
| *President:* | Mr. Kafando | (Burkina Faso) |
| *Members:* | Austria | Mr. Mayr-Harting |
| | China | Mr. Liu Zhenmin |
| | Costa Rica | Mr. Urbina |
| | Croatia | Mr. Vilović |
| | France | Mr. Bonne |
| | Japan | Mr. Takasu |
| | Libyan Arab Jamahiriya | Mr. Shalgham |
| | Mexico | Mr. Heller |
| | Russian Federation | Mr. Churkin |
| | Turkey | Mr. Apakan |
| | Uganda | Mr. Rugunda |
| | United Kingdom of Great Britain and Northern Ireland | Sir Mark Lyall Grant |
| | United States of America | Ms. Rice |
| | Viet Nam | Mr. Bui The Giang |

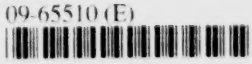
## Agenda

The situation in Liberia

Letter dated 11 December 2009 from the Chairman of the Security Council Committee established pursuant to resolution 1521 (2003) concerning Liberia addressed to the President of the Security Council (S/2009/640)

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room U-506.

09-65510 (E)



Please recycle

*The meeting was called to order at 10.20 a.m.*

**Adoption of the agenda**

*The agenda was adopted.*

**The situation in Liberia**

**Letter dated 11 December 2009 from the Chairman of the Security Council Committee established pursuant to resolution 1521 (2003) concerning Liberia addressed to the President of the Security Council (S/2009/640)**

**The President** (*spoke in French*): I should like to inform the Council that I have received a letter from the representative of Liberia, in which she requests to be invited to participate in the consideration of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite that representative to participate in the consideration of the item without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

*At the invitation of the President, Mrs. Osode (Liberia) took a seat at the Council table.*

**The President** (*spoke in French*): The Security Council will now begin its consideration of the item on its agenda. The Security Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the Council have before them document S/2009/648, which contains the text of a draft resolution submitted by United States of America.

I wish to draw the attention of members of the Council to document S/2009/640, containing a letter dated 11 December 2009 from the Chairman of the Security Council Committee established pursuant to resolution 1521 (2003) concerning Liberia, transmitting the report of the Panel of Experts on Liberia.

It is my understanding that the Council is ready to proceed to the vote on the draft resolution before it. Unless I hear any objection, I shall put the draft resolution to the vote now.

There being no objection, it is so decided.

*A vote was taken by show of hands.*

*In favour*:

Austria, Burkina Faso, China, Costa Rica, Croatia, France, Japan, Libyan Arab Jamahiriya, Mexico, Russian Federation, Turkey, Uganda, United Kingdom of Great Britain and Northern Ireland, United States of America, Viet Nam

**The President** (*spoke in French*): There were 15 votes in favour. The draft resolution has been adopted unanimously as resolution 1903 (2009).

The Security Council has thus concluded the present stage of its consideration of the item on its agenda. The Council will remain seized of the matter.

*The meeting rose at 10.25 a.m.*

United Nations S/PV.6247

# Security Council

Sixty-fourth year

*Provisional*

**6247**th meeting

Thursday, 17 December 2009, 10.25 a.m.

New York

| | | |
|---|---|---|
| *President:* | Mr. Kafando | (Burkina Faso) |
| *Members:* | Austria | Mr. Mayr-Harting |
| | China | Mr. Liu Zhenmin |
| | Costa Rica | Mr. Urbina |
| | Croatia | Mr. Vilović |
| | France | Mr. Bonne |
| | Japan | Mr. Takasu |
| | Libyan Arab Jamahiriya | Mr. Shalgham |
| | Mexico | Mr. Heller |
| | Russian Federation | Mr. Churkin |
| | Turkey | Mr. Apakan |
| | Uganda | Mr. Rugunda |
| | United Kingdom of Great Britain and Northern Ireland | Sir Mark Lyall Grant |
| | United States of America | Ms. Rice |
| | Viet Nam | Mr. Bui The Giang |

## Agenda

Threats to international peace and security caused by terrorist acts

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room U-506.

09-65516 (E)

Please recycle

*The meeting was called to order at 10.25 a.m.*

**Adoption of the agenda**

*The agenda was adopted.*

**Threats to international peace and security caused by terrorist acts**

**The President** (*spoke in French*): The Security Council will now begin its consideration of the item on its agenda.

The Security Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the Council have before them document S/2009/647, which contains the text of a draft resolution submitted by Austria, Burkina Faso, Croatia, France, Japan, Mexico, Turkey, United Kingdom of Great Britain and Northern Ireland and United States of America.

It is my understanding that the Council is ready to proceed to the vote on the draft resolution before it. Unless I hear any objection, I shall put the draft resolution to the vote now.

There being no objection, it is so decided.

*A vote was taken by show of hands.*

*In favour:*

Austria, Burkina Faso, China, Costa Rica, Croatia, France, Japan, Libyan Arab Jamahiriya, Mexico, Russian Federation, Turkey, Uganda, United Kingdom of Great Britain and Northern Ireland, United States of America, Viet Nam

**The President** (*spoke in French*): There were 15 votes in favour. The draft resolution has been adopted unanimously as resolution 1904 (2009).

I shall now give the floor to those members of the Council who wish to make statements after the voting.

**Mr. Mayr-Harting** (Austria): More than four years ago, the World Summit called upon this Council to provide for fair and clear listing and de-listing procedures for individuals and entities on sanctions lists.

As Chairman of the Security Council Committee established pursuant to resolution 1267 (1999) during the past year, I have witnessed some of the shortcomings of the present system. I am also aware of the growing number of cases filed by listed individuals and entities before national and regional courts in various parts of the world. I can therefore also appreciate how very substantially Security Council resolution 1904 (2009) improves the procedures under the sanctions regime under resolution 1267 (1999) in terms of due process. For the first time ever, individuals and entities seeking a de-listing will have a chance to present their cases to an independent and impartial ombudsperson, to be appointed by the Secretary-General.

In the new resolution, the Council calls on Committee members to make every effort to provide their reasons when objecting to a de-listing request. It also directs the ombudsperson to forward to petitioners all information about a negative decision provided by the Committee, including explanatory comments. Furthermore, it instructs the Committee to conduct a comprehensive review of all pending issues so as to resolve them, to the extent possible, by the end of 2010. For these and many other reasons, I believe that resolution 1904 (2009) represents a significant step forward in improving the fairness and transparency of the sanctions regime under resolution 1267 (1999), thus enhancing both its effectiveness and its legitimacy.

My delegation would like to thank the United States as the main sponsor of the resolution, as well as the other sponsors and all the members of the Council, for their strong engagement in this very important matter. At the same time, special thanks are due to many other United Nations Member States that have actively supported this process over many years, in particular the group of like-minded States and the friends of the rule of law. I would also like to pay a special tribute to our Belgian predecessors in the chair of the 1267 Committee, who paved the way for today's decisions.

Much will depend on the practical implementation of this resolution, especially on the appointment of an eminent ombudsperson with the highest qualifications in fields such as law, human rights, counter-terrorism and sanctions. This is a work in progress. This is a case where the decision of the Council to remain actively seized of the matter is of particular significance. Therefore, my delegation very much hopes that the Council will continue to show an active interest in the state of the overall work of the 1267 Committee. To that end, the biannual reports of the Committee to the Council can prove to be a very useful instrument.

**Mr. Urbina** (Costa Rica) (*spoke in Spanish*): Costa Rica voted to adopt Security Council resolution 1904 (2009) because we recognize that collective measures are effective in preventing and eliminating threats to peace. However, as is well known, my delegation has advocated the provision of the necessary procedural safeguards for including people and entities on the Consolidated List with the single purpose of strengthening the regime established by resolution 1267 (1999).

In this context, we are pleased with the improvements included in the resolution adopted today concerning the sanctions regime, and we think that this is a step in the right direction. We trust they will be rapidly implemented. We are particularly pleased to see the designation of an ombudsperson, providing for the possibility of interaction between the person in question and the Member States and relevant United Nations bodies. We would have preferred the ombudsperson to be able to issue recommendations, but we consider that his or her comments will reflect to some degree the results of their investigations. We hope that in the future we will achieve a sufficient consensus to incorporate new improvements into the sanctions regime established by this resolution.

For the last few months Costa Rica has worked with the informal Group of Like-minded Countries: Belgium, Costa Rica, Denmark, Finland, Germany, Liechtenstein, Netherlands, Norway, Sweden and Switzerland. The Group is pleased with the adoption of this resolution and expresses its gratitude to the Security Council for taking this important step, with the aim of implementing fair and clear procedures for including people and institutions on the sanctions list and for withdrawing them, as well as for exceptions authorized for humanitarian reasons, in accordance with the outcome document of the World Summit of 2005 (General Assembly resolution 60/1). The Group acknowledges that the improvements in the legal procedures serve as an acknowledgement of the concerns expressed by national and regional courts regarding the fundamental rights of sanctioned people and institutions, and that the new procedures adopted strengthen the sanctions regime.

**The President** (*spoke in French*): There are no further speakers on my list. The Security Council has thus concluded the present stage of its consideration of the item on the agenda. The Council will remain seized of the matter.

*The meeting rose at 10.35 a.m.*

# Security Council

Sixty-fourth year

*Provisional*

**6248**th meeting

Thursday, 17 December 2009, 10.35 a.m.
New York

| | | |
|---|---|---|
| *President:* | Mr. Kafando | (Burkina Faso) |
| *Members:* | Austria | Mr. Mayr-Harting |
| | China | Mr. Liu Zhenmin |
| | Costa Rica | Mr. Urbina |
| | Croatia | Mr. Vilović |
| | France | Mr. Araud |
| | Japan | Mr. Takasu |
| | Libyan Arab Jamahiriya | Mr. Shalgham |
| | Mexico | Mr. Heller |
| | Russian Federation | Mr. Churkin |
| | Turkey | Mr. Apakan |
| | Uganda | Mr. Rugunda |
| | United Kingdom of Great Britain and Northern Ireland | Sir Mark Lyall Grant |
| | United States of America | Ms. Rice |
| | Viet Nam | Mr. Bui The Giang |

## Agenda

The situation in the Middle East, including the Palestinian question

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room U-506.

09-65522 (E)

Please recycle

*The meeting was called to order at 10.35 a.m.*

**Adoption of the agenda**

*The agenda was adopted.*

**The situation in the Middle East, including the Palestinian question**

**The President** (*spoke in French*): In accordance with the understanding reached in the Council's prior consultations, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Mr. Robert Serry, Special Coordinator for the Middle East Peace Process and Personal Representative of the Secretary-General.

It is so decided.

I invite Mr. Serry to take a seat at the Council table.

The Security Council will now begin its consideration of the item on its agenda. The Security Council is meeting in accordance with the understanding reached in its prior consultations.

At this meeting, the Security Council will hear a briefing by Mr. Robert Serry, to whom I give the floor.

**Mr. Serry**: As 2009 draws to a close, Israeli-Palestinian negotiations are yet to resume, confidence between the parties remains low, facts continue to be created on the ground, tensions persist in Jerusalem, and the actions of both Hamas and Israel are not contributing to the stability and welfare of Gaza. Even the genuine progress taking place in parts of the West Bank runs in parallel with negative trends.

We are in a race against time to overcome the contradictions on the ground and the crisis of confidence between the parties, and move decisively towards a political endgame. Israel must do more in that regard, by implementing Road Map commitments, including on settlements, easing measures which stifle the Palestinians, and being prepared unambiguously to negotiate and resolve all core issues in a fixed time frame, including Jerusalem.

The Palestinians need to play their part, too, by engaging constructively on efforts to bring about resumed negotiations in earnest and continuing to advance their important State-building project. The situation in Gaza needs to be addressed with an end to the blockade and a period of calm and responsible steps from all concerned. The region and the Quartet need to work together, without delay and with united purpose, to support that agenda over the crucial months ahead.

On 26 November, Israeli Prime Minister Netanyahu announced that Israel would restrain certain settlement activity by temporarily freezing new construction permits and starts for a period of 10 months. Prime Minister Netanyahu described the decision as designed to "encourage resumption of peace talks with our Palestinian neighbours". Teams of Israeli inspectors have been visiting settlements to ensure compliance with the Cabinet decision, facing protests from settler groups.

Under the terms of the announcement, construction already under way on over 3,000 units and on public buildings will continue, as evidenced by the approval of a further 28 public buildings in settlements. The restraint does not apply to settlement activity in the Israeli-determined municipal boundaries of East Jerusalem. In addition, on 13 December the Cabinet granted additional budget allocations to some 110,000 settlers, many living in isolated settlements deep in the West Bank.

The policy announced by Prime Minister Netanyahu is a step beyond previous Israeli Government positions and has not come without domestic political challenges. We will follow closely the impact of the decision on the ground, and it must be hoped that it contributes to forward movement.

However, particularly as regards East Jerusalem, the policy falls considerably short of Israel's commitments under the Road Map to freeze all settlement activity, including natural growth, and to dismantle outposts erected since March 2001. I reiterate the Secretary-General's and the Quartet's calls on Israel to implement its Road Map obligations. Settlement activity is illegal under international law and unilateral actions on the ground prejudicing final status issues will not be recognized by the international community.

On the Palestinian side, the inability to hold elections decreed for 25 January 2010 has further deepened the internal crisis. This has presented new challenges for the institutions of the Palestinian Authority, in a context where President Abbas has confirmed his decision not to stand in any future elections.

In that extraordinary situation, the Palestinian Liberation Organization (PLO) Central Council

convened on 15 and 16 December and resolved that the terms of the Palestinian Authority presidency and the Legislative Council should be extended until elections can be held, as soon as possible in 2010. The PLO Central Council resolved to meet again in 2010, and we continue to hope that it will be possible to hold free and fair elections throughout the occupied Palestinian territory.

President Abbas has indicated his readiness to continue to serve until elections, and restated his commitment to a negotiated two-State solution and his rejection of violence. He has called for a full Israeli settlement freeze in accordance with the Road Map in order to resume negotiations.

Significant and urgent improvements on the ground are needed if the two-State agenda is to be sustained and advanced. The Palestinian Authority must continue its efforts to meet its Road Map obligations, and Israeli-Palestinian cooperation to enable security and economic performance must be further developed. I underscore the full political and programme support of the United Nations for the Palestinian Authority's agenda, and I was pleased to welcome Palestinian Prime Minister Fayyad to participate in the United Nations country team retreat in Bethlehem to plan United Nations activities for 2010.

Palestinian security forces have continued exercising their important security responsibilities, often at risk. On 26 November, the residence and vehicle of the Deputy Mayor of Nablus were riddled with bullets by unknown assailants. A fifth battalion of newly trained Palestinian security forces is due to be deployed in a West Bank city before the end of the year.

Israel needs to build on previous steps in the economic and security fields with a range of further measures, including a reduction of incursions into Palestinian areas, facilitation of Palestinian development in Area C, and a further easing of closures, which currently number approximately 575 obstacles to movement across the West Bank.

Citing security concerns, Israeli forces arrested 172 Palestinians and injured 27 others in 64 operations in the West Bank, and two explosive devices were defused near the settlement of Beit El on 3 December. Six members of the Israeli security forces were injured.

Palestinian, Israeli and foreign protesters continued demonstrating against the barrier built in occupied territory contrary to the advisory opinion of the International Court of Justice, mostly in Nil'in and Bil'in villages, and there have been clashes with Israeli security forces.

Settler attacks against Palestinian civilians, property and places of worship have continued, some in the context of the so-called price tag policy to protest the Israeli Government's settlement restraint announcement. There were 33 violent incidents between settlers and Palestinians. Tensions further increased on 10 December, when a group of settlers set fire to the mosque in Yassuf village, in a deplorable desecration of a place of worship. Israel continues to fall short in imposing the rule of law on such violent extremists, and this issue must be addressed. I welcome the strong condemnation of the mosque attack by the Israeli Government and I urge the authorities to seek out those responsible for this incident, along with other such acts of violence, and bring them to justice.

The situation in Jerusalem remains tense and makes prospects for successful negotiations more difficult. Palestinian institutions remain closed, contrary to the Road Map. There are concerning reports of increased revocation of the identity cards of Palestinians from East Jerusalem. Provocative actions continue in sensitive neighbourhoods such as Silwan and Sheikh Jarrah, where many properties remain under threat of demolition.

On 1 December, pursuant to an order of the Israeli court, a group of armed Israeli settlers escorted by Israeli security forces entered and took control of part of a Palestinian home in Sheikh Jarrah, claiming ownership of the building. The United Nations efforts to persuade the Israeli authorities to apply a moratorium on demolitions and evictions and to cease installing settlers in Palestinian neighbourhoods have so far not been heeded. I have taken careful note of reports that Prime Minister Netanyahu has appointed a focal point to oversee decisions on these matters. I hope that this step signals an intention for Israel to take this issue in hand in a positive manner. Jerusalem remains a final status issue, and a way must be found through negotiations to resolve the status of Jerusalem as the future capital of two States.

A different approach is needed to the situation in Gaza, grounded in resolution 1860 (2009). During the reporting period, imports were at approximately a quarter of the level prior to the imposition of the blockade after the Hamas takeover in mid-2007, which

represents a decline on the last reporting period. Food and hygiene items continue to constitute the vast bulk of goods allowed into the Strip, although there was an increase in the amount of cooking gas allowed in. The Gaza Strip remains closed to exports of its agricultural products, with the exception of one truckload of flowers allowed out of the Strip during this reporting period.

The lack of fuel for the Gaza power plant and a shortage of materials to repair damaged electricity infrastructure leave the majority of the population of Gaza subject to rolling electricity blackouts. It is essential that Israel increase the quantity and quality of supplies through the crossings, including to meet urgent winter needs in accordance with United Nations requests. Discussions on this issue are ongoing with the Israeli authorities, and we hope that approval followed by swift entry of winterization materials will take place in the coming days.

Beyond immediate humanitarian needs and measures for the winter, I regret that the Israeli authorities have not provided a satisfactory response to the United Nations proposal to complete stalled projects of the United Nations Relief and Works Agency for Palestine Refugees in the Near East and United Nations Development Programme for housing, schools and health facilities. On a recent visit to Gaza, I visited one of these projects. It is painful to see a project that is 70 per cent complete and needs only the remaining materials to be completed to provide housing for several hundred families.

The Gaza business community expressed its frustration that legitimate commerce has been destroyed by the blockade. Smugglers and militants control commodities flowing through tunnels, with attendant revenues reaching Hamas. The blockade is unacceptable and counterproductive, and must end. Normal economic life must be restored for the civilian population, half of which is under the age of 18.

I do not overlook legitimate Israeli concerns regarding the situation in Gaza. We continue to be concerned at reports of the continued smuggling of weapons into the Gaza strip. According to the Israeli authorities, an S-5K rocket was fired on 5 December. We continue to note the efforts of Egypt to increase security along the border, including seizing a truck loaded with a ton of explosives on 23 November, the installation of sensor equipment, and actions taken to close down tunnels.

During the reporting period, however, violence was at a comparatively restrained level. Ten rockets and mortars were fired by Palestinian militants towards Israel, although there were no reports of injuries or damage. Four alleged Palestinian militants were injured by an Israeli air strike on 27 November, and a Palestinian man died on 12 December after being shot by Israeli forces near the border area. Despite these worrying incidents, it is our assessment that neither side is seeking escalation. There are possibilities for a sustained calm if wisdom and restraint prevail.

Efforts continue to secure the release of Israeli Corporal Gilad Shalit, along with a number of the more than 9,000 Palestinian prisoners in Israeli jails, and as the United Nations we continue to be supportive of these efforts with all concerned. We urge both Israel and Hamas not to miss the current opportunity and resolve this issue.

The great majority of the 750 students seeking to leave Gaza to study abroad remain in Gaza. Within Gaza, there have been new measures imposed by Hamas on Gazans trying to pass through the Erez crossing into Israel. Civil society organizations and non-governmental organizations have been the targets of what appear to be politically motivated burglaries for which no culprits have been held responsible, despite the total security control of the de facto authorities. We take note that on 26 November, 150 prisoners from all political factions were released in Gaza on the occasion of the Eid al-Adha holiday.

As the de facto authorities on the ground, Hamas must act with responsibility towards the population. Hamas should also work more constructively under Egyptian auspices, on the basis of Egypt's proposal for national reconciliation.

In addition to my regular consultations with the Israeli Government, I visited Syria on 9 December to discuss the prospects for a resumption of the Israeli-Syrian track. Important work has been done on this file in previous efforts, including under Turkish auspices during 2008, and this progress should be built upon. We support all efforts in this regard as part of our commitment to a comprehensive regional peace.

On the ground, the situation in the occupied Syrian Golan remains stable, although settlement activity continues. I draw to the Council's attention the fact that a Knesset bill requiring a certain majority of Knesset members, or a referendum, to approve the

return of any territory in the Golan Heights or East Jerusalem passed its second reading on 9 December. A further reading is required, but if passed this bill could make any future territorial return more complex.

Turning to Lebanon, on 10 December, and following a three-day debate, Lebanon's Parliament formally expressed its confidence in Prime Minister Hariri's Government, which has now officially assumed its functions. The vote of confidence saw 122 out of a total of 128 members of Parliament express their support. The parliamentary vote followed the adoption by the Council of Ministers on 2 December of the new Government's Ministerial Statement, which outlines the Cabinet's programme of work. In the Ministerial Statement, the new Government of Lebanon affirms its commitment to the implementation of Security Council resolution 1701 (2006) "in all its aspects". The Cabinet also affirms its exclusive right to decide over war and peace, and envisages the extension of the Government's authority over all Lebanese territory.

Following the parliamentary vote of confidence, Prime Minister Hariri paid his first official visit to the Kingdom of Saudi Arabia before travelling to the climate change summit in Copenhagen, where he met with the Secretary-General. President Sleiman undertook a trip to the United States, where he reiterated Lebanon's commitment to the full implementation of resolution 1701 (2006).

The situation in the area of operations of the United Nations Interim Force in Lebanon has remained quiet. However, air violations have continued on an almost daily basis.

In conclusion, in recent briefings we have warned of the danger of a political vacuum. If we cannot move forward towards a final status agreement, we risk sliding backwards, both with the Palestinian Authority and with the two-State solution itself imperilled. In my meeting with United States Special Envoy Mitchell in Washington earlier this week, I was reassured of President Obama's determination to work not only for the early resumption, but also for the early conclusion, of negotiations, as called for by the Quartet, as well as a comprehensive approach to peace.

The Secretary-General believes that a revitalized Quartet must play its full role in urgently advancing a common agenda in the crucial few months ahead. He remains committed to an end to the occupation and an end to the conflict, through the creation of a Palestinian State living side by side with Israel in peace and security, and comprehensive regional peace, in accordance with Security Council resolutions, previous agreements, the Road Map and the Arab Peace Initiative.

**The President** (*spoke in French*): I thank Mr. Serry for his briefing.

I shall now give the floor to members of the Council wishing to make statements.

**Mr. Shalgham** (Libyan Arab Jamahiriya) (*spoke in Arabic*): After two years as a member of the Security Council, I wish to take the floor at today's meeting, as it is the last on the Palestinian question that my delegation will be participating in as a member. I wish to assess the way in which the Security Council has dealt with this issue.

We have participated in the work of the Security Council with good intentions and a positive attitude. Sometimes, we have even given up our positions of national principle in order to make progress in the Council's work because of words we often hear in the Council: "peace" and "final solution".

However, let us stop to consider the situation in Palestine and Israel. Last year, in 2008, after Israel had carried out a widespread attack on Gaza — Operation Cast Lead — and used white phosphorus, banned under international law, killing some 1,500 civilian and destroying United Nations facilities, the Council adopted resolution 1860 (2009). What happened after that? The siege continues.

At the request of the Secretary-General, the Board of Inquiry went to Gaza to draw up a report. What has happened with that report? Nothing.

There has been an advisory opinion (see A/ES-10/273) of the International Court of Justice on the apartheid wall built by Israel, and no one even mentions it. The entire world acknowledges that what is happening in Gaza is a crime in the true sense of the word. What have we done? Even in resolution 1860 (2009), Israel is still above the law and beyond accountability.

We now hear talk of the West Bank as a prosperous paradise compared to Gaza, which is governed by "terrorists", as the members of Hamas are called — even though they were elected by the Palestinian people. If the Palestinians elect a militant

group, they are called terrorists. But if the Israelis elect terrorists, they are called democratic. That is not fair, because if any State tries to bring Israelis to justice for the crimes committed in Gaza, the Council seems to be trying to change the law so that criminals will not be prosecuted.

Three days ago, a photograph was published, which I am now displaying to members, and I urge them to look at it. It shows a young Palestinian tied up and blindfolded in the midst of a group of Israeli soldiers. This is a young Palestinian tied up, surrounded by Israeli soldiers, and suddenly, an Israeli soldier attacks and kills him. He was tied up and blindfolded, yet he was killed. Even worse, the occupation forces invaded his home and took these photographs inside his home.

Then, there is talk of Shalit. Is Shalit a Boy Scout? Had he gone where he was captured for a picnic, or had he gone there to kill?

There is talk of Rwanda and Burundi and the rape, murder and violence against civilians and pregnant women. What about the thousands of pregnant Palestinian women? When the Council discusses a Palestinian State, I ask it to show photographs of settlements, such as the ones I am displaying now. When the Council talks about a Palestinian State — I am also addressing the Personal Representative of the Secretary-General — where will that State be created? In a vacuum, in the air or on the ground?

Now I shall display some maps: this was Palestine in 1948; this is Palestine since 1967; these spots are all settlements. The second map shows the 1947 partition, with two States: Palestine and Israel. And after 1967, the West Bank and Gaza can be seen marked in yellow. I have a question about this map, which resembles a tiger skin. There are settlements and infrastructure throughout the area, and when Mr. Netanyahu says he is going to freeze settlement building for 10 months in a very limited number of places, I am not at all convinced. Mr. Netanyahu said, in his book "A Place Among the Nations,", published in 1996, that the West Bank belonged to Israel, and he affirmed that Israel would not leave the West Bank. Anyone can read this in his book. So there are contradictions that destroy his credibility.

Unfortunately, as far as any evaluation is concerned, we can say that we are convinced that for certain members of the Council Palestinian lives do not count and their massacre will not be punished. Yet if a single Israeli is killed by a Palestinian rocket, it is considered an unpardonable crime, while the massacre of hundreds of Palestinians, including dozens of women and children, seems to be almost a legal Israeli right. When one single Israeli soldier is taken prisoner, that is considered to be an unpardonable condemnable crime, whereas the detention of more than 11,000 Palestinians, including hundreds of women and children, seems to be considered standard procedure, both legal and not requiring mention. These are double standards. Some members have given endless speeches on human rights, and yet their true stance was revealed at the moment of truth when they voted in the General Assembly on General Assembly resolution 64/10 on war crimes and crimes against humanity committed by Israel in Gaza (see A64/PV.39). Things will become clearer in the next few months when United Nations bodies endeavour to follow up on the Goldstone report on war crimes committed by Israel in Gaza.

Sadly, I have to say, in conclusion, that this has been a bitter experience for us. We have witnessed injustice, oppression and inequity destroy truth and justice. The poor Palestinians, the Arab system and the official Arab order could not take a solid stance to face these challenges and our rights have, therefore, been wasted and our position has been weak.

**Ms. Rice** (United States of America): We will make our formal statement in consultations. I just want to say that, while we certainly respect any member's right to speak in the Chamber and say what they think, we think the better part of wisdom is to focus on the goal we all share, which is achieving a genuine two-State solution. A rhetorical display designed to enflame is not necessarily a constructive way to advance that goal. The United States remains fully committed to achieving a negotiated solution to the Israeli-Palestinian conflict, and we hope and expect that our colleagues on the Security Council will continue to be supportive in that endeavour.

**The President** (*spoke in French*): In accordance with the understanding reached in the Council's prior consultations, I now invite Council members to informal consultations to continue our discussion on the subject.

*The meeting rose at 11.05 a.m.*

United Nations S/PV.6249

# Security Council

Sixty-fourth year

*Provisional*

**6249**th meeting

Monday, 21 December 2009, 10.30 a.m.

New York

| | | |
|---|---|---|
| *President:* | Mr. Kafando | (Burkina Faso) |
| *Members:* | Austria | Mr. Ebner |
| | China | Mr. Zhang Yesui |
| | Costa Rica | Mr. Urbina |
| | Croatia | Mr. Vilović |
| | France | Mr. De Rivière |
| | Japan | Mr. Takasu |
| | Libyan Arab Jamahiriya | Mr. Shalgham |
| | Mexico | Mr. Heller |
| | Russian Federation | Mr. Churkin |
| | Turkey | Mr. Gümrükçü |
| | Uganda | Mr. Rugunda |
| | United Kingdom of Great Britain and Northern Ireland | Sir Mark Lyall Grant |
| | United States of America | Ms. DiCarlo |
| | Viet Nam | Mr. Le Luong Minh |

## Agenda

The situation concerning Iraq

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09-66036 (E)

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*The meeting was called to order at 10.40 a.m.*

**Adoption of the agenda**

*The agenda was adopted.*

**The situation concerning Iraq**

**The President** (*spoke in French*): I should like to inform the Council that I have received a letter from the representative of Iraq, in which he requests to be invited to participate in the consideration of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite that representative to participate in the consideration of the item without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

*At the invitation of the President, Mr. Al Bayati (Iraq) took a seat at the Council table.*

**The President** (*spoke in French*): The Security Council will now begin its consideration of the item on its agenda. The Security Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the Council have before them document S/2009/660, which contains the text of a draft resolution submitted by Japan, Uganda, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

It is my understanding that the Council is ready to proceed to the vote on the draft resolution before it. Unless I hear any objection, I shall put the draft resolution to the vote now.

There being no objection, it is so decided.

*A vote was taken by show of hands.*

*In favour*:

Austria, Burkina Faso, China, Costa Rica, Croatia, France, Japan, Libyan Arab Jamahiriya, Mexico, Russian Federation, Turkey, Uganda, United Kingdom of Great Britain and Northern Ireland, United States of America, Viet Nam

**The President** (*spoke in French*): There were 15 votes in favour. The draft resolution has been adopted unanimously as resolution 1905 (2009).

The Security Council has thus concluded the present stage of its consideration of the item on its agenda. The Council will remain seized of the matter.

*The meeting rose at 10.45 a.m.*

United Nations S/PV.6250

# Security Council

Sixty-fourth year

*Provisional*

**6250**th meeting

Monday, 21 December 2009, 10.45 a.m.

New York

| | | |
|---|---|---|
| *President*: | Mr. Kafando | (Burkina Faso) |
| *Members*: | Austria | Mr. Ebner |
| | China | Mr. Zhang Yesui |
| | Costa Rica | Mr. Urbina |
| | Croatia | Mr. Vilović |
| | France | Mr. De Rivière |
| | Japan | Mr. Takasu |
| | Libyan Arab Jamahiriya | Mr. Shalgham |
| | Mexico | Mr. Heller |
| | Russian Federation | Mr. Churkin |
| | Turkey | Mr. Gümrükçü |
| | Uganda | Mr. Rugunda |
| | United Kingdom of Great Britain and Northern Ireland | Sir Mark Lyall Grant |
| | United States of America | Ms. DiCarlo |
| | Viet Nam | Mr. Le Luong Minh |

## Agenda

The situation in the Central African Republic

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09-66042 (E)

Please recycle

*The meeting was called to order at 10.45 a.m.*

**Adoption of the agenda**

*The agenda was adopted.*

**The situation in the Central African Republic**

**The President** (*spoke in French*): The Security Council will now begin its consideration of the item on its agenda. The Council is meeting in accordance with the understanding reached in its prior consultations.

After consultations among members of the Security Council, I have been authorized to make the following statement on behalf of the Council:

"The Security Council welcomes ongoing efforts aimed at national reconciliation in the Central African Republic based on the Libreville Comprehensive Peace Agreement of 2008 and the commitments contained in the Sirte Agreement of February 2007 and the Birao Agreement of April 2007. The Security Council encourages the Government of the Central African Republic to continue to ensure that the recommendations of the inclusive political dialogue are expeditiously and fully implemented.

"It reiterates its call on the Government of the Central African Republic to strengthen and accelerate efforts to reform security sector institutions, which is a crucial element for the peacebuilding process in the Central African Republic and for addressing widespread impunity and increasing respect for human rights. It also reiterates its call on the Government to carry out without delay a transparent and accountable disarmament, demobilization and reintegration (DDR) process and ensure the completion of disarmament and demobilization before the 2010 elections. In these efforts, transparent funding and coordination of reintegration programmes is critical to the programmes' long-term success. The Security Council encourages the international community, including the United Nations Integrated Peacebuilding Office in the Central African Republic (BINUCA), to provide timely and adequate support to the process.

"The Security Council strongly condemns the ongoing attacks by the Lord's Resistance Army (LRA) in the Central African Republic and calls for the countries of the region and the United Nations missions to coordinate and enhance information-sharing regarding the threat posed by the LRA to the population.

"The Security Council demands that the Government of the Central African Republic and all political stakeholders ensure free, fair, transparent and credible preparation and conduct of the 2010 elections, and that the elections take place within the time frame set by the Constitution. The Security Council calls on the Government, the United Nations and other stakeholders to support timely election preparation with adequate resources.

"The Security Council welcomes the establishment of BINUCA on 1 January 2010 for the period of one year. The Security Council urges the Special Representative of the Secretary-General to take all necessary steps so that BINUCA will be fully operational as soon as possible after 1 January 2010, in accordance with its mandate as set out in the statement of its President of 7 April 2009 (S/PRST/2009/5). The Security Council confirms its full support to the efforts of the Special Representative of the Secretary-General, Ms. Sahle-Work Zewde, in this regard. The support of the BINUCA, together with the United Nations country team, to national and local efforts to consolidate peace, enhance governance and complete DDR process is crucial and needed.

"The Security Council also requests the Secretary-General to propose in his next report a set of clear and measurable benchmarks to guide the progress of the mission and enable BINUCA to evaluate its progress against its mandate.

"The Security Council welcomes the support provided by the Peacebuilding Commission to the Central African Republic, and reiterates its call on the donor community to enhance their support to sectors identified as critical for sustainable peace and development in the Central African Republic, as set out in the Strategic Framework for Peacebuilding developed by the Peacebuilding Commission."

This statement will be issued as a document of the Security Council under the symbol S/PRST/2009/35.

The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

*The meeting rose at 10.50 a.m.*

United Nations S/PV.6251

# Security Council

Sixty-fourth year

*Provisional*

**6251**st meeting

Monday, 21 December 2009, 11.10 a.m.

New York

| | | |
|---|---|---|
| *President*: | Mr. Kafando | (Burkina Faso) |
| *Members*: | Austria | Mr. Ebner |
| | China | Mr. Zhang Yesui |
| | Costa Rica | Mr. Artiñano |
| | Croatia | Mr. Vilović |
| | France | Mr. Araud |
| | Japan | Mr. Takasu |
| | Libyan Arab Jamahiriya | Mr. Shalgham |
| | Mexico | Mr. Heller |
| | Russian Federation | Mr. Churkin |
| | Turkey | Mr. Apakan |
| | Uganda | Mr. Rugunda |
| | United Kingdom of Great Britain and Northern Ireland | Sir Mark Lyall Grant |
| | United States of America | Ms. DiCarlo |
| | Viet Nam | Mr. Le Luong Minh |

## Agenda

Reports of the Secretary-General on the Sudan

Letter dated 17 November 2009 from the Secretary-General addressed to the President of the Security Council (S/2009/599)

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room U-506.

09-66048 (E)

Please recycle

*The meeting was called to order at 11.10 a.m.*

**Adoption of the agenda**

*The agenda was adopted.*

**Reports of the Secretary-General on the Sudan**

**Letter dated 17 November 2009 from the Secretary-General addressed to the President of the Security Council (S/2009/599)**

**The President** (*spoke in French*): In accordance with the understanding reached in the Council's prior consultations, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to His Excellency Mr. Jean Ping, Chairperson of the African Union Commission.

It is so decided.

In accordance with the understanding reached in the Council's prior consultations, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to His Excellency Mr. Thabo Mbeki, Chairperson of the African Union High-Level Panel on Darfur.

It is so decided.

The Council welcomes Mr. Jean Ping and the members of his delegation, including Mr. Thabo Mbeki, former President of South Africa, and Mr. Pierre Buyoya, former President of Burundi.

The Security Council will now begin its consideration of the item on its agenda. The Council is meeting in accordance with the understanding reached in its prior consultations.

I wish to draw the attention of the members of the Council to document S/2009/599, which contains a letter dated 17 November 2009 from the Secretary-General addressed to the President of the Security Council, transmitting the report of the African Union High-Level Panel on Darfur.

At this meeting, the Security Council will hear briefings by Mr. Jean Ping, Chairperson of the African Union Commission, and Mr. Thabo Mbeki, Chairperson of the African Union High-Level Panel on Darfur.

I warmly welcome the presence of the Secretary-General and invite him to take the floor.

**The Secretary-General**: I am honoured to be here today and to welcome this esteemed delegation. Today's meeting is an important symbol of collaboration between the African Union and the United Nations. It is also another concrete demonstration of our common commitment to work with the Sudanese people in addressing the serious challenges they face.

Today, the Panel will brief the Security Council on its report (S/2009/599, annex I), which has been adopted in its entirety by the African Union Peace and Security Council. The Peace and Security Council also established a High-Level Implementation Panel comprised of former Presidents Thabo Mbeki and Pierre Buyoya and retired General Abdulsalami Abubakar. We are privileged to receive their first-hand briefing.

The report of the High-Level Panel provides a frank assessment and insightful analysis of the situation in the Sudan and offers numerous proposals for the way forward. Perhaps above all, the Panel members have insisted on seeing the Sudan in its totality. They have clearly articulated the links between the crisis in Darfur and broader efforts to implement the Comprehensive Peace Agreement (CPA).

Their insights come at a critical moment. In little more than three months, elections are scheduled to take place. In just over a year, the two referendums that will determine the future shape of the Sudan are scheduled to be held. The National Congress Party (NCP) and the Sudan People's Liberation Movement (SPLM), as the two parties to the Comprehensive Peace Agreement, have taken steps to prepare for these major events, but there is still much to be done. We must remember that neither the election nor the referendums are ends in themselves. Managing the results — whatever the outcome — will require genuine cooperation between the NCP and the SPLM.

In the meantime, violence, in South Sudan in particular, is occurring at a disturbing scale and frequency. In Darfur, the peace process has reached a critical point. Chief Mediator Djibril Bassolé has been working with the Government of Qatar to generate momentum by giving civil society a strong voice at the peace talks. Representatives of civil society and armed movements have agreed to resume consultations in Doha on 18 January 2010, which will be followed by

direct talks between the Government and the movements on 24 January 2010.

Efforts must continue to encourage the Government, and more especially the rebel movements, to make concessions and embrace the consensus that Mr. Bassolé is building. In my view, the High-Level Implementation Panel and the international community at large have a critical role to play here. By giving Mr. Bassolé our unequivocal support, we will send a strong message to all parties that they must engage in the negotiations that he is leading.

Beyond that, the Panel can make an invaluable contribution to the soft landing we are all working towards after the election and referendums by helping the parties to the CPA to bridge their differences. That is an outcome that is badly needed not only for the Sudan itself, but also for the Sudan's neighbours and, indeed, for all of Africa.

The High-Level Panel also addressed the difficult issues of justice and reconciliation in the Sudan. Its efforts to develop creative and pragmatic proposals are highly commendable. We must keep sight of the importance of compliance with resolution 1593 (2005), which refers the situation in Darfur to the International Criminal Court.

I have just concluded a very productive meeting with the visiting delegation, in the course of which we agreed on the importance of continuing close African Union-United Nations cooperation on the Sudan. Beyond our co-management of the African Union-United Nations Hybrid Operation in Darfur, we must make every effort to ensure that the activities of the United Nations in the Sudan and the work of the African Union's High-Level Implementation Panel are mutually supportive.

It will be the Sudanese people who solve the Sudan's problems. But working together, the United Nations and the African Union can provide them with critical assistance on their difficult journey towards lasting peace and prosperity.

**The President** (*spoke in French*): I thank the Secretary-General for his statement.

I now give the floor to Mr. Jean Ping, Chairperson of the African Union Commission.

**Mr. Ping** (*spoke in French*): At the outset, please allow me to express my sincere thanks to the President and members of the Security Council for having agreed to meet to discuss the report of the African Union High-Level Panel on Darfur (S/2009/599, annex I). That is an eloquent manifestation of this organ's interest in the situation in the Sudan and the efforts being made to help that country to address the numerous challenges it is facing.

I am pleased to take the floor today under the presidency of Burkina Faso — an African presidency, both committed and proactive — and I wish to congratulate you, Mr. President, and the representatives of the Libyan Arab Jamahiriya and Uganda on having accomplished fruitful terms on the Council in the service, among other things, of the causes of Africa. I would also like to congratulate all the other representatives whose terms will conclude at the end of this month.

I would like to express my gratitude to the Secretary-General, Mr. Ban Ki-moon, for his commitment to peace, security, stability and development in Africa, as well as the trusting and promising cooperation that is developing between the United Nations and the African Union (AU).

Darfur occupies a special place in the efforts of our two organizations in favour of peace on the African continent. More than any other, that region symbolizes the unique nature of the links between the African Union and the United Nations, having provided the context and the theatre for the first hybrid operation between our two organizations. This pioneering experience encourages us to better coordinate our actions and to harmonize our respective cultures and practices to the imperatives of joint work whose objective circumstances leave us no other alternative. Certainly, it can sometimes seem to be frustrating, but we have no other choice than to persevere down this path.

In the Sudan, as in other situations of crisis and conflict on the African continent, the future will rely increasingly on joint action and united efforts on the basis of the respective comparative advantages of the United Nations, with its expertise and resources, and regional organizations, particularly the African Union, whose political will — reflected in the implementation of a continent-wide architecture of peace and security — geographic proximity and detailed knowledge of the situations at hand, constitute an undeniable asset and grant the required legitimacy to the actions undertaken.

As members of the Council know, the AU High-Level Panel on Darfur was established upon a decision adopted at a ministerial meeting of the AU Peace and Security Council (PSC) on 21 July 2008 in order to consider and to make recommendations on the ways and means to better address issues related, on the one hand, to peace, reconciliation and pacification and, on the other, to justice, the fight against impunity and accountability.

By taking that decision, at the instigation of the African Union Commission, the PSC was convinced that the challenges of peace, justice and reconciliation in the Sudan were inseparable. While affirming that there could be no impunity for the flagrant violations of human rights committed in Darfur, the PSC also underscored the need to seek justice in a way that would facilitate achieving the goal of peace and reconciliation. Moreover, that is also the spirit of Security Council resolution 1593 (2005) on Darfur. Clearly, those issues cannot be divided. They must be dealt with together with the resolve to create a positive momentum and an add-on effect covering all the areas where there must be action.

The Panel carried out its mandate over a period of six months. Throughout that undertaking, it strove to interact with each of the stakeholders, whether Sudanese or international. It is significant that, even with regard to its recommendations, the Panel deemed it useful to keep the Sudanese and international actors informed so as, wherever possible, to ensure their acceptability and viability and to build the greatest possible consensus on the proposed way forward, taking due account of achievements such as the Darfur Peace Agreement, signed in Abuja in 2006, and the lessons learned from the efforts made to date through so much goodwill, African and non-African.

It is just as significant that, during its various visits to the Sudan, the Panel spent over 40 days in Darfur going not only to areas under Government control, but also to those controlled by the armed opposition movements. That approach, which gave the Panel and its report unequalled authority, was all the more necessary given the fact that, since the start of the war in Darfur, many people have claimed to speak on behalf of the people of Darfur. The populations of Darfur have rarely had the opportunity to speak for themselves.

I wanted to make these remarks to highlight two elements that seem to me essential. On the one hand, I am convinced that the conflict in Darfur is, first and foremost, a Sudanese problem and that its settlement will depend primarily on the Sudanese themselves, with the international community playing a supportive and supplementary role; on the other hand, the recommendations made by the Panel arise from the concerns of the Sudanese parties such as they have been able to harmonize and unify themselves, as far as possible, and not from some disengaged deconstruction of their realities that we might have sought to impose on them.

I would also like to add that the Panel configured a comprehensive approach based on the conviction that the aims of peace, justice and reconciliation in Darfur are closely linked and equally desirable. At the same time, the Panel highlighted the robust desire of the peoples of Darfur for peace and security. Nothing can express that aspiration better that the statement made by a nomad whom the Panel met in El Fasher in June 2009:

> "We want peace. If it is flying in the air, I am prepared to fly and catch it. If it is buried underground, I am prepared to dig to get it. If it is available in the market, I will find the money to buy it."

At the same time, as the Panel has underscored, all the Sudanese parties expressed their devotion to justice, respect for which will facilitate the pursuit of peace, given that justice and reconciliation are inextricably linked and must be tackled and implemented in a comprehensive and supportive way.

It is of the greatest importance to stress here that the conclusion that the Panel reached regarding the need to set any settlement of the Darfur crisis in the more global context of settling the crisis that has affected the Sudan ever since its independence, some of the causes of which go back to the colonial period. The fundamental inequality that characterizes the relationship between the Sudanese centre and hinterlands partly explains the various rebellions that the Sudan has experienced and continues to experience. That is why the Panel has rightly defined the crisis in Darfur as a manifestation of the wider crisis in the Sudan as both a country and a State.

Members are aware that the High-Level Panel's report and its recommendations were endorsed by the

PSC at its meeting held at the level of head of State and Government in Abuja on 29 October. The PSC also asked me to set up a High-Level Implementation Panel, comprising former Presidents Thabo Mbeki, Pierre Buyoya and Abdulsalami Abubakar, in order to facilitate the implementation of the recommendations made and to help the Sudanese parties to implement the Comprehensive Peace Agreement and other related processes as elements of the democratic transformation of the Sudan.

We have since undertaken a number of steps to implement the Panel's recommendations, which henceforth will be the platform for all the AU's action in the Sudan. In that context, the Implementation Panel went to the Sudan a few days ago. It met with all the stakeholders, who reaffirmed their support for the recommendations and the decision of the PSC. On the basis of that visit, the Panel drew up an action plan recommending activities to be systematically and diligently undertaken concerning both Darfur and the implementation of the Comprehensive Peace Agreement.

We have come to the United Nations to request its support in the belief that, with the Panel's report, the methodology on which it was based, the comprehensive character of its vision and recommendations, and the positive reactions of the Sudanese parties, including the Government of National Unity, today we have a suitable instrument to guide our efforts and to achieve our objectives.

Hence, today's meeting and the attitude that we expect of the Council are very important. It is also true that the success of our joint work in the Sudan will require this meeting to be more than a one-off event; rather, it must mark the launching of a process in a spirit of partnership in the service of peace, justice, security and reconciliation in the Sudan. I am sure that we are all aware of the fact that today is a turning point in the efforts of the international community to date to reach a settlement in Darfur and to support the implementation of the Comprehensive Peace Agreement so that the Sudan can experience a significantly new era in its history.

The situation is critical. The Sudan is on the eve of two major dates that will determine the future of the country and whose impact on that of Africa must not be underestimated. First are the general elections in April 2010, which ought to mark an important stage in the democratic transformation of the Sudan as envisaged by the January 2005 Comprehensive Peace Agreement. Following that, there is the self-determination referendum of January 2011, which in accordance with the Comprehensive Peace Agreement will enable the people of Southern Sudan to decide either to maintain the unity of the Sudan or to partition the country. It is obvious that the choice made will have considerable consequences for the Sudan and for the rest of Africa, just as it is obvious that the conditions and circumstances prevailing before, during and after these votes will have the greatest impact on the course and coherence of events.

For Africa, what is happening and what is at stake in the Sudan is of existential importance. The Sudan is the biggest country in Africa. It is a melting pot of the cultural, religious and ethnic diversity that characterizes Africa and that, far from being a handicap, is an advantage. The Sudan shares its borders with nine other African States, and they, more than any others, will be the first to suffer from the continuance of the current situation and even more from possible negative developments in the future.

By forming the High-level Panel and by working actively on the follow-up to its recommendations, the African Union, despite difficulties, setbacks, suffering and heartbreak, has affirmed its faith in the capacity of the Sudanese to live up to their historic responsibilities and to overcome their differences for the good of their country and for the good of Africa. A collective step forward is possible if inhibitions, the weight of the past and distractions do not continue to obscure the generous vision of the future that the African Union would like to popularize.

The mission entrusted to the African Union Panel is intended to promote a comprehensive approach to solving the crisis in the Sudan as well as the peaceful, democratic transformation of the country. This mission works harmoniously with the mandates of the African Union-United Nations Hybrid Operation in Darfur, the Joint Mediation and the United Nations Mission in the Sudan, mandates whose implementation it is meant to facilitate, without overlapping tasks, duplicating work or contesting competencies. This sui generis mission responds to real needs and it will only strengthen the effectiveness, coherence and credibility of the international community's actions in the Sudan.

The Sudan needs to move forward, and Africa is determined to provide all necessary assistance, on the basis of the report of the African Union High-Level Panel, which has become the strategy and the source of inspiration for the activities of the African Union in the Sudan. We ask all our partners within the international community to lend their support to this unprecedented effort, remembering that the solutions that will produce the desired results are those with Sudanese ownership and Africa's support. The African Union trusts in the support of the United Nations in a beneficial endeavour whose success will honour the entire international community and shelter from the scourge of war many future generations in the Sudan, Africa and the world.

I thank the Council for its gracious attention, and I ask you, Mr. President, to invite President Mbeki to present the conclusions of the High-level Panel and the perspectives that point to the large-scale actions that we must undertake with the Sudanese and all the other actors in the best interest of everyone.

**The President** (*spoke in French*): I thank Mr. Ping for his briefing.

I now give the floor to His Excellency Mr. Thabo Mbeki, Chairperson of the African Union High-level Panel on Darfur.

**Mr. Mbeki** (African Union): First of all, we would like to join the Chairperson of the Commission of the African Union (AU), Mr. Jean Ping, in thanking you, Mr. President, and the Security Council, for giving us the opportunity to be here today to reflect on various matters relating to Sudan, starting with the report of the African Union High-Level Panel on Darfur (S/2009/599, annex I). Similarly, we join the Chairperson of the AU Commission in stressing the significance of the partnership between the AU and the United Nations, which was pioneered in Darfur in the form of both the African Union-United Nations Hybrid Operation in Darfur (UNAMID)and the Joint Chief Mediator.

As Mr. Ping has indicated, the essence of the mandate of the AU High-level Panel on Darfur was to advise the African Union on what could be done to accelerate the advance towards peace, justice and reconciliation in Darfur. The Security Council is of course aware that at its meeting of 29 October, the AU Peace and Security Council reconstituted the AU High-Level Panel on Darfur as the African Union High-level Implementation Panel for Sudan. I mention this because much of what we will say will relate to the work of the Implementation Panel, whose mandate, again as mentioned by the Chairperson of the AU Commission, is

> "to assist in the implementation of all aspects of the AU Panel on Darfur recommendations, as well as to assist the Sudanese parties in the implementation of the Comprehensive Peace Agreement (CPA) and other related processes, as part of the democratic transformation of Sudan".

We are certain that the members of the Security Council are familiar both with the AU High-level Panel report and its recommendations and with the decisions of the AU Peace and Security Council in that regard. We will therefore not discuss the report in detail, but will rather offer what we consider to be a few salient observations. Of course, if the Council should require us to comment on any detail in the report, we will do so.

Drawing on its collective experience, the AU Panel understood that a peaceful settlement of the conflict in Darfur could only be achieved through a negotiated agreement amongst the Sudanese themselves. In other words, we proceeded from the position that it was neither possible nor desirable to impose a Darfur solution on the Sudanese people. We mention this important point at this stage because it helped to inform both the modus operandi of the AU Panel and the report it ultimately submitted to the AU Peace and Security Council. With regard to that modus operandi, the AU Panel decided to engage the Sudanese stakeholders, and especially the Darfurians, in an extensive process of consultations, essentially to understand what they themselves thought might be done to accelerate the process towards peace, justice and reconciliation in Darfur. Further, to conclude this process of consultations, we also presented our draft recommendations to the same Darfur and Sudan constituencies to solicit their opinions on the recommendations.

Arising out of all this, we are happy to inform the Security Council that, in our view, the AU Panel report and recommendations broadly reflect the views of the major stakeholders in Sudan and Darfur about what needs to be done speedily to achieve the objectives that I have stated. We believe that this is of major practical importance, because it underlines the objective reality that a broad consensus exists in Darfur and in Sudan as

a whole which should facilitate the critically important negotiations to end the conflict in Darfur.

Just over a week ago, we visited Sudan, and the AU High-Level Implementation Panel had occasion to meet with, among others, a broad spectrum of the leadership of Darfur civil society. Those leaders emphasized exactly this point: that, to use their words, the situation in Darfur was ripe effectively to accelerate the peace process. We must also mention the fact that after interactions with other Sudanese stakeholders since the report of the AU Panel was published and endorsed by the Peace and Security Council, we can say firmly that the major Sudanese constituencies broadly support the report and its recommendations.

Members of the Security Council will also be aware that, in our report, we insisted on everything being done to enable the people of Darfur to participate in both the 2010 general elections and any national dialogue that might take place around the critical issue of the 2011 South Sudan referendum. For this reason, we thought it was important that the Darfur negotiations be concluded before the impending general elections.

We attached a great deal of importance to this because we were concerned that, should the people of Darfur feel excluded in any way from both the elections and the consideration of matters relating to the referendum, this would serve to underline their marginalization and disempowerment, which were a central cause of the armed uprising that started in 2003.

In this context, we would like to reiterate our view that, first, a broad consensus exists in Darfur and Sudan on the various elements that would constitute what we described as a global political agreement on Darfur; secondly, the people of Darfur insist that a negotiated peace should be concluded as quickly as possible; and thirdly, it is both possible and necessary that this objective be achieved without much delay.

Here, I should also confirm that, like the AU Panel during its short lifespan, the African Union High-level Implementation Panel is ready to assist the Joint Chief Mediator to achieve this outcome. This means that, among other things, the Panel will engage the various parties in Darfur and the Sudan to encourage them to respond positively and expeditiously to such initiatives as would be taken by the Joint Chief Mediator.

Yet another matter I would like to underline is the important reality, mentioned by the Chairperson of the African Union Commission, that the three objectives of peace, justice and reconciliation are interconnected and interdependent. We are thus convinced that the positive outcome we all seek with regard to Darfur will have to take the form of an integrated package that achieves the necessary balance among the various objectives of peace, justice and reconciliation.

We are convinced that any attempt to emphasize the importance of any of these three objectives at the expense of the others would not bring about the just and stable peace we all desire for the people of Darfur and which the Darfurians themselves seek. This is one of the considerations that informed the manner in which we composed our recommendations, and we believe that these will help the Sudanese negotiators to arrive at the necessarily integrated package to which we have referred.

In this context, we must mention the fact that Sudan is not the first African country to be faced with the challenge of finding the necessary balance in addressing the interrelated issues of peace, justice and reconciliation. Therefore, if necessary, beyond considering the decisions taken by the AU Peace and Security Council in this regard, the negotiators of the Darfur agreement could draw on this wider African experience. Indeed, I must say, the Darfurians kept referring to that.

Members of the Security Council will also have taken note of the fact that the AU Panel underlined that the conflict in Darfur, as was the case with the conflicts in South and Eastern Sudan, is a manifestation of a general Sudan crisis. We explained that this Sudan crisis was of long standing, encompassing both the colonial and post-colonial periods. It arose, again as the Chairperson of the African Union Commission has said, essentially from the concentration of power and wealth in an elite centred in Khartoum, resulting in the marginalization, impoverishment and underdevelopment of the so-called periphery, including Darfur.

Furthermore, this unequal distribution of power and wealth made it imperative that the centre should, to the extent possible, deny the rest of the country the democratic right to elect a Government of their choice, among other rights. The Darfurians themselves insisted that this historical legacy was the root cause of the violent conflict in Darfur. From this, it follows that the

solution of the conflict in Darfur should be located within the context of addressing that legacy.

It is therefore self-evident that the resolution of the conflict in Darfur, like those in South and Eastern Sudan, cannot but necessitate the restructuring of Sudan as a whole in order to address the historical legacy, the consequence of which has been the various conflicts that have afflicted Sudan for many decades.

Accordingly, the Implementation Panel will work closely with the people of Sudan as they strive to give effect to a stated common resolve to build what has been described as the new Sudan. As with any process that seeks to achieve the fundamental restructuring of any society, the creation of that new Sudan, explained in the Comprehensive Peace Agreement as making unity attractive, is and has been difficult and challenging. Because of this, the Sudanese people need all the support they can get to help them achieve this objective. We therefore hope that the United Nations will also do what it can in this regard.

As the Security Council is aware, the Comprehensive Peace Agreement gives the opportunity for the people of South Sudan to opt for independence, which might suggest that once the South has seceded, if this is the outcome of the 2011 referendum, the historical power relations in North Sudan could remain unchanged. In our interactions with the population in Darfur, there was no serious suggestion that this region of Sudan sought to follow South Sudan with regard to the issue of self-determination. We make this point to emphasize that the implementation of a just Darfur peace agreement necessarily implies the transformation of Sudan in the manner we have indicated, including the democratization of the country.

Because of the central importance of this process of democratization to the resolution of the Sudan crisis, as indicated in the mandate of our High-level Implementation Panel, we will act to encourage the Sudanese parties to create a climate conducive to free and fair elections and to conduct the 2010 general elections in such a manner that all the people of Sudan can freely elect legislatures and Governments of their choice.

It is commonly agreed that this is vitally important in the context of both the fundamental restructuring of Sudan, to which we have referred, and the need to ensure that the 2011 referendum is handled by a democratically elected Government. Again, it is a matter of common agreement that the will of the people of South Sudan should be respected, whatever the outcome of the referendum. In this context, the Sudanese parties have recognized the fact that they must engage one another on the vital matter of the consequences of the referendum, regardless of its outcome.

Accordingly, and, again, as the Security Council knows, the South Sudan referendum law requires that the parties engage in discussions to consider all the relevant post-referendum issues. Once again, our Implementation Panel will work with these parties to contribute what it can to the consideration of these post-referendum issues, in part to help ensure that Sudan sustains the peace that was brought about by the Comprehensive Peace Agreement — once more, regardless of the outcome of the referendum.

We share the belief that the people of Sudan, in both the North and the South, are very keen to live in conditions of peace, even if South Sudan elects to be an independent State. The Implementation Panel will therefore do everything it can to focus on the issue of peace, among other ways by considering the situation along the North-South border and making the necessary and relevant recommendations to the Sudanese parties.

We should perhaps have mentioned earlier the continuing challenge to the implementation of all the outstanding agreements contained in the Comprehensive Peace Agreement. By agreement with the National Congress Party and the Sudan People's Liberation Movement, the Panel will interact with these two parties to the CPA to help accelerate the process towards the completion of the agenda detailed in the Agreement.

As indicated in the AU Panel's report, we consider the normalization of relations between Sudan and its neighbours to be of vital importance with regard to the achievement of the goal of a peaceful and stable Sudan. Accordingly, we have been greatly encouraged by the steps taken by the Governments of Chad and Sudan to reduce and end the tensions between the two countries. The African Union Panel has engaged both Governments on this matter, and the Implementation Panel will follow up on this and will resume its interaction with the other neighbouring countries.

As we carry out this work, we will be very mindful of the critical importance of Sudan to its

neighbours and the rest of our continent — again, as the Chairperson of the African Union Commission has said. It is self-evident that Sudan, which shares borders with nine other countries in a volatile part of Africa, should serve as a force for peace, stability and development both in the region and in Africa as a whole.

Earlier, we mentioned the groundbreaking partnership between the AU and the United Nations, which resulted in the establishment of UNAMID. As UNAMID approaches the second anniversary of its establishment, at the end of this month, we would like to pay tribute to the extraordinary dedication and courage of the men and women who are serving in Darfur under challenging conditions, as well as to commend the Mission. It is obvious that in addition to the work it has done already, UNAMID will be required to take on additional tasks once the Darfur global political agreement is concluded. We therefore hope that the necessary steps will be taken to ensure that it has the necessary capacity to carry out all its tasks.

In this context, we would like to congratulate Mr. Ibrahim Gambari on his assumption of the high position of Joint Special Representative in Darfur; we look forward to working with him as closely as possible.

The AU Panel was privileged to have regular interactions with both UNAMID and the United Nations Mission in the Sudan, as well as with the special envoys of countries members of the Security Council and the European Union. The Implementation Panel will strive to sustain this interaction, as we believe that concerted international action is required effectively to respond to the urgent challenges that Sudan faces.

The Panel is conscious of the reality of the extensive nature of its mandate and therefore the work it must carry out. It is similarly alert to the fact that it has to act within a very short time frame, given the fact of the impending general elections and the South Sudan referendum.

However, objective reality dictates that the matters we have mentioned — the resolution of the conflict in Darfur, the CPA and North-South relations, the democratization of Sudan and the normalization of relations in the neighbourhood — should be addressed simultaneously and as a matter of urgency. The Implementation Panel will do its best to respond to this challenge.

Once more, we thank the Security Council for giving us the opportunity to make a brief presentation on the issues we have mentioned and hope that the Council will favour us and our continent with its support, resulting in the further strengthening of the partnership between the African Union and the United Nations.

**The President** (*spoke in French*): I thank the Chairperson of the African Union High-level Panel on Darfur for his briefing.

There are no further speakers on my list. In accordance with the understanding reached in the Council's prior consultations, I how invite Council members to a private debate to continue the discussion of the subject. I request delegations that have not requested to participate in the private debate to be kind enough to leave the Chamber.

*The meeting rose at 11.55 a.m.*